REMARKS

This response is filed to the Office action mailed March 8, 2004, in which claims 1, 3-7, 13, 17-21, 23-30, 36 and 40-43 were rejected under 35 U.S.C. § 102(e) are being anticipated by Mead et. al. Also, claims 2, 8, 22 and 31 were rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Agraharam et al, and claims 10-12 and 33-35 were rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Picard et al. And claims 15, 16, 38 and 39 were rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Usher et al. Claims 14 and 37 were rejected under 35 U.S.C § 103(a) as being unpatentable over Mead in view of Golan et al. Claim 32 was rejected 35 U.S.C § 103(a) as being unpatentable over Mead in view of Wagner et al. With this response, claim 1 and claim 21 of this application is amended, and since the above rejected claims depend upon claims 1 and 21, the above rejected dependent claims remain in the application unchanged.

Rejection under 35 USC § 102(e):

At paragraph 2, Examiner Anwah has rejected claims 1, 3-7, 13, 17-21, 23-30, 36 and 40-43 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mead et al, U.S. Patent Application No. 2001/0036833 (hereinafter Mead). Applicant respectfully traverses this rejection.

With respect to claim 1, the present invention as claimed is a method for sending a message to a person in an airplane by another not present on the airplane, and for that matter, the sender does not even know what airplane the person is located on and where inside the airplane the person is sitting. The sender transmits the message via a message router, not directly, but transparently as a notification code or identifier and only when the intended recipient requests receipt of the message does the actual transmission to the intended person occur.

The Office action asserts that Mead et. al. anticipates transmitting a message to a person located on an airplane via a first communication device and the intended person receiving the message through a second communication device, citing Figure 4 and paragraphs 0028-0034. Applicant has amended independent claim 1 to more succinctly describe the present invention. As revised, these claims cover the method to automatically identify and notify the recipient person, unknown to the sender and without the sender interceding or having access to the confidential and secure passenger information about the recipient person. This invention answers a critical need in today's difficult environment because of the need for security in the actual location of a passenger.

This invention is distinct from Mead because Mead fails to describe how to automatically access and notify to the recipient passenger on a secure passenger list. There is much information in Mead about the use of at least two servers to send and receive a message, but nothing about the actual method of establishing contact with the passenger in a secure environment. Typically, seat assignments are pre-assigned, but as anyone knows seat assignments change when the ticket is issued. And a seat assignment may change based upon a request of the recipient passenger at the time of boarding for a variety of reasons. Furthermore, Mead describes the need of the recipient to make contact with a ground server to access the message via the telephony system located in the vehicle, an airplane, at Mead paragraph 20. The recipient must interface with another device to obtain the message, whereas in the present invention, after notification the recipient does not need an additional device to interface to the telephony service or any service on the airplane. In the present invention, unlike Mead, the recipient requests the message directly via the telephone either by speaking with an operator or observing the message on the LCD screen of the telephone nearest his/her assigned seat.

Claims 3, 4 and 5 are distinct from Mead in that the recipient passenger does not determine the message is text, html or script or even voice in the present invention. In Mead, at

paragraph 0020, the "User 114 suitably interfaces to vehicle server 110 through any sort of terminal such as a notebook computer, personal digital assistant, kiosk, In-flight entertainment system, wireless terminal, direct connection terminal, or any other device." Furthermore, paragraph 0029 states, "Headers and/or e-mail messages for user 114 may then be retrieved from the user's account on server 202 in various embodiments." The user 114 makes the determination to cause the transmission in a particular format. The user makes their choice of message type to reduce costs. Whereas in the present invention, the recipient passenger is not making a choice of message type, text, email, html or voice, but this choice is made by the sender of the message. Moreover, the present invention is further distinct in that any message type can be delivered to the recipient passenger so long as the central telephone system of the airplane 6 can communicate with a messaging service. Furthermore, claims 6 and 7 are distinct from Mead because the messaging service and central messaging hub are not servers as described in Mead.

Claim 13 scrolls passenger information across the LCD of the telephone to notify the passenger of an available message located at the messaging hub. The Office Action infers that the existence of the "in flight telephone services" anticipates this claim 13. This is an incorrect reading of claim 13 because the Mead users 114 make use of the telephony system to interface another device, such as a laptop computer, to access, read and respond to a message.

> "Users 114 with laptop computers 306 may suitably connect to network server unit 302 via a central telephony unit 304 which may in turn communicate with a modem interface 304 which may in turn communicate with a modem interface unit (not shown) to exchange data between passenger laptop 306 and network server 302."

The architecture above of Mead requires an additional element, the terminal device, in addition to the central telephone system of the airplane 6. The present invention does not require this

additional element and its associated cost and interface overhead such as cables, power and more importantly, the space and on-going maintenance necessary on the airplane for the Mead invention. The dual server architecture of Mead is costly and cumbersome in view of the present invention which does not rely upon these elements to communicate a message, of any type, supported by the central communication system of the airplane to the user.

Claim 17 is directed to locating the recipient passenger to deliver the message. Mead discloses a user 114 communicating with the vehicle server 110, which in turn makes a wireless network connection to the ground server. Mead does not anticipate locating a specific airplane in route nor does Mead anticipate locating a specific passenger on the airplane. Mead teaches away and relies upon the passenger making access via an additional element, terminal device, to determine first if a message exists, and then determine whether or not to retrieve and read the message. None of these additional elements or steps is anticipated by the present invention.

Claim 18 describes transmitting the message to the central communication system on the airplane 6. This central communication system preexists and is used by **all** passengers, not just passengers with an additional terminal device, in the present invention. Mead anticipates at least two servers to hold, store and transmit, upon request by user 14, a message, if the message even exists at the time the user 114 made the inquiry. The Mead architecture requires additional hardware and software and as a result consumes the limited resources of an airplane such as space. The present invention describes a different architecture when it uses pre-existing systems with a unique locating and notifying method and system to transmit a notification code 4 to the passenger. The sender does not know and does not care how the message gets to the passenger, but the sender is concerned that the message be made available and noticed to the passenger, as is accomplished in the present invention. Mead specifies additional structure and elements not necessary in the present invention, such as servers and terminal devices.

Claim 19 describes the temporary holding of the notifying code until the airplane is in route. Practically speaking, this is a requirement because of safety concerns. As any passenger knows, all electronic devices are deactivated at take off. The Office Action looks to Mead, paragraph 0003, to infer the general lack of email access to describe the temporary hold of the notification of the present invention. Mead anticipates the sending of email messages in response to a user 114 inquiry, whereas, the present invention describes a location and notification method, then the sender, not the user 114 of Mead, causes the transmission of the message to the recipient passenger of the present invention, subject to safety concerns on board an airplane.

Claim 20 describes a limitation on the locating and notifying method of the present invention. Mead, paragraph 0023, does not anticipate this claim 20. Mead describes grouping emails from the many users 114 having access to the vehicle server 110. This grouping or batching of user 114 message inquiries is anticipated by Mead to reduce the cost of transmitting a single message. Mead paragraph 0025 anticipates the total cost as a connection fee and a separate transmission fee. Mead anticipates a cost reduction by batching message requests or emails to spread the connection cost over many messages, not locating and notifying the recipient passenger as anticipated by the present invention.

Claim 21 is allowable because the amended language adds a limitation not anticipated by Mead. The system provides for the automatic locating of the recipient passenger for the sender, who does not know the flight and the exact location on the flight of the recipient passenger. Typically, the recipient passenger does not have an additional terminal device to interface to the telephony system of the airplane. This added limitation in Mead is not present in this invention.

Claims 23, 24 and 25 are allowable because they depend from claim 21, which is allowable based upon the amended claim 21. Moreover, the reasoning stated in above claims 3, 4 and 5 apply to claims 23, 24 and 25.

Claim 26 describes what occurs when the recipient passenger, of the present invention, in response to a notifying code indicates to the second communication device, typically the central communications system on the airplane 6, that a message exists for the recipient passenger. Unlike Mead step 414 of Figure 4, the present invention does not retrieve messages immediately or with a time delay to batch messages in order to reduce costs. Furthermore, the Office Action looks to Mead to provide a system of requesting a message in Step 408 of Figure 4. However, Mead does not describe step 408. There is no way to know how Mead obtains messages at the ground server for transmission to the vehicle server 110.

Claim 27 is allowed because it depends on claim 26. However, the Office Action suggest that paragraph's 0028 to 0034 of Mead anticipates claim 27 of the present invention. According to Mead, the user 114 accesses a message via the additional terminal device, not anticipated by the present invention, connected to the telephone system of the airplane 6. Mead discusses in detail issues that need to be overcome for email, but this discussion does not anticipate the present invention. The second communication device of the present invention is the telephone system, not the vehicle server and additional terminal device combination as anticipated by Mead at paragraph's 0028-0034.

Claim 28 is allowed as it depends from claim 27.

Claim 29 is allowed as it depends from claim 28. Moreover, Mead anticipated at least a pair of servers whereas the present invention does not make use of a server device.

Claim 30 the central messaging hub of the present invention is not a server dedicated to email messaging as in Mead. The central messaging hub is described as a database for the airplane that contains the passenger information, in the form of records, necessary to connect a passenger to a flight, as anticipated by the present invention. These hubs are typically located on the ground and administered by the airlines. A database of information is not a server.

Claim 36 is allowable based upon the arguments of the claims it depends upon and the argument proposed for claim 13.

Claim 40 is allowable based upon the arguments of the claims it depends upon and the argument proposed for claim 17.

Claim 41 is allowable based upon the arguments of the claims it depends upon and the argument proposed for claim 18.

Claim 42 is allowable based upon the arguments of the claims it depends upon and the argument proposed for claim 19.

Claim 43 is allowable based upon the arguments of the claims it depends upon and the argument proposed for claim 20.

Rejections under 35 U.S.C. § 103(a):

At paragraph 4, Examiner Anwah rejected claims 2, 8, 22, and 31 as being unpatentable over Mead in view of Agraharam.

Claim 2 describes a message sent by another to the recipient passenger. The applicant admits voicemail messages are found in the prior art. Mead does not teach or even disclose a voicemail message as the Office Action admits. This is because Mead directed to the review and access of email messages in response to a user 114 inquiry without the need of an alias phone number email system as taught by Agraharam. Agraharam discloses the method and system of delivering a voicemail message via an email message. The proposed method and system is vendor specific by the service provided AT&T, the assignee of the Agraharam invention. Only based upon the subscription service of Agraharam would a user 114 of Mead have access to the voicemail message in the form of an email message anticipated by Mead. There is no suggestion

to combine Mead and Agraharam because Mead does not teach advances in email technology or narrowly implemented systems such as Agraharam. Instead, Mead teaches how to use email more efficiently and effectively when the user 114 is remote to the ground server and must use expensive wireless technologies to obtain access to messages. The present invention is directed to delivering a notifying code to an undisclosed recipient passenger and the passenger accesses its messages through the airplane's central communication system.

Claim 8's telephone describes that any telephone can be used to leave a voice mail message of the present invention. Agraharam teaches the use of the telephone with a specific number of elements; not anticipated by Mead: the called party must be a subscriber to an alias telephone number email system, the telephone number of the called party must be known to the email system of Agraharam; and the subscriber's actual email must be available to the email system of Agraharam. Agraharam teaches away from the use of a telephone to make a phone call that ends up as a voicemail of the prior art. The present invention uses a messaging service to store the voicemail message. The messaging service does not use a "special" phone number, as combination of an unique email address based upon the called phone number to obtain the actual email address as taught by Agraharam, but an operator who creates the message for later retrieval by a passenger. The sender may create an electronic message but there is no "special" phone number needed by the sender to access the actual email of the recipient passenger. There is no suggestion to combine Mead with Agraharam to practice the present invention.

Claim 31 is allowable based upon the arguments of claim 8.

In paragraph 5, the examiner has rejected claims 10-12 and 33-35 as being unpatentable over Mead in view of Picard.

Claim 10's personal computer allows the sender to send a message to the recipient passenger via a messaging service as a text, html or script message type, as disclosed in claims 3,

4, and 5 of the present invention. Picard teaches the use of a personal computer to retrieve, via its client software loaded on the computer, a web page stored on a server. The web page provides access, after the appropriate inputs are made, to the Picard user's mailbox contents. The Picard server differs from the Mead server, in that the Mead server retains stored messages in a format retrievable by the email software present on the terminal device of Mead. The Picard invention uses a browser, instead of the email software of Mead, to access the message. These are distinct methods and systems that access messages. Picard reads the message via an html form unlike the present invention that may use html to deliver the message to the central communication system of the airplane. But unlike the present invention, but like Mead, Picard uses the personal computer to access the message. This teaches away from the present invention and there is no suggestion to combine Picard and Mead to teach the use of a personal computer in the present invention to send a message to a passenger.

Claim 11 access a website by the sender not by the recipient of passenger of the present invention. Picard and Mead access a server via the user not the sender of the message.

Claim 12 is based upon the argument of claim 11, Picard nor Mead teach the use of a computer to access a messaging service, which is an intermediate message host or database, which stores the message until the recipient passenger accesses the message.

Claim 33 is allowable based upon the argument of claim 10.

Claim 34 is allowable based upon the argument of claim 11.

Claim 35 is allowable based upon the argument of claim 12.

In paragraph 6, the examiner rejected claims 15, 16 38 and 39 as being unpatentable over Mead in view of Usher.

Claim 15 does use a credit card to enter in payment information. Applicant agrees that a credit card have been used with card readers in the prior art. However, Usher fails to teach using

the credit card to make a payment. Usher discloses the use of the details of a credit card, but fails to disclose which details are used. Usher fails to teach using the credit card to pay for the services such as a telephone in the present invention. Mead does not disclose the use of a credit card to activate the telephony system, therefore, there is no suggestion to combine Mead and Usher to teach claim 15 of the present invention.

Claim 16, 38 and 39 is allowable based upon the argument of claim 15.

In paragraph 7, the examiner rejected claims 14 and 37 as unpatentable over Mead in view of Golan. The Office Action improperly infers that the email header of the recipient passenger is the notifying code of the present invention. The present invention does not rely upon the recipient passenger having access to email. The notifying identifier uses the passenger name that is stored in the central messaging hub and accessed by the messaging service, which delivers the message in response to the passenger request. The sender may call the messaging service which makes the connection between the passenger name and sender message in secure environment without the knowledge of the sender.

Claim 37 is allowable based upon the arguments of claim 14.

In paragraph 8, the examiner rejected claim 32 as being unpatentable over Mead in view of Wagner.

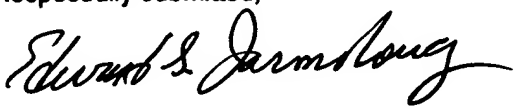
Claim 32 describes a telephone as the second communications device to receive a notifying code directed to the passenger indicating a message is available from the messaging service. Wagner discloses a graphical user interface usable on a portable telephone. This GUI displays information to the user about the incoming phone call or message. Wagner is directed to the display of incoming messages on a screen. Mead discloses the use of servers to deliver messages and to retrieve messages, but the transmission occurs in response to a user 114 request. Mead does not teach using the telephone to make the request. The telephone in Mead is

a communication interface for the terminal device, which performs the physical connection to obtain the message. Wagner does not teach using the telephone as an interface for a terminal device to obtain the message. There is no suggestion to combine Wagner with Mead because the telephone has different and distinct uses.

CONCLUSION

Based upon the foregoing Amendments and Remarks, Applicant respectfully submit that the claims as amended are distinct from the prior art and request the rejections be withdrawn. With this response, Applicant considers this application in condition for allowance. The Commissioner is authorized to charge Applicants Deposit Account 19-2875 for any costs or fees that relate to this response.

Respectfully submitted,



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